

Exhibit 5

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BIGLAW

Former Kirkland & Ellis Summer Associate Files Pro Se Suit

There's a real defamation claim in there... and also a whole lot of random.

By JOE PATRICE on August 11, 2023 at 1:48 PM

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SHARES



A former Kirkland & Ellis summer has filed a lawsuit pro se in the SDNY against “John Doe #1, a Reddit.com user, John Doe #2, A Top-Law-Schools.com user, John Doe #3 a current or former NYU Law student.” The plaintiff, Gideon Rapaport, alleges that the trio ran a systematic defamation campaign against him last year that saw him slagged on Reddit and TLS.

To the extent he thought filing a lawsuit would put a stop to the online ridicule, he was... [wrong](#).

But the complaint does lay out a serious defamation claim:



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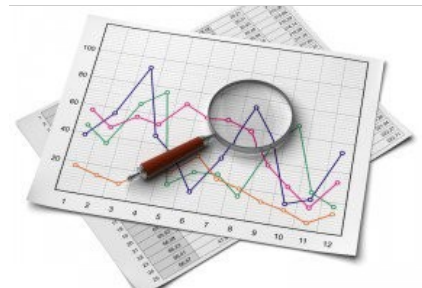
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6. On or about July 30, 2022, defendant Does 1 through 3 conspired to and did perpetrate a libelous internet hoax and character assassination against the Plaintiff accompanied by a word-of-mouth slander campaign. These posts were made on Reddit.com and Top-Law-Schools.com.

7. Defendants forged a document by affixing to it, without proper authorization or permission to so and outside of the scope of their employment, the name of their employer, Kirkland & Ellis LLP, which had employed Plaintiff at the same time as Defendants. This document was in the style of a “wanted” or “public enemy” poster as would be produced by law enforcement and consisted of the aforementioned name, a corporate headshot style photograph of the Plaintiff obtained from an internal website created by the employer to facilitate social interaction among employees, and the bolded and capitalized text “DO NOT ADMIT”.

According to the complaint, the defendants concocted a false sexual harassment allegation against this guy that ultimately required the Federalist Society’s James Kent Summer Academy — the organization’s camp to groom the next generation of goons — to call HR to figure out if the accusations were true.

They apparently weren’t.

A false claim of criminal activity blasted to a wide audience resulting in at least one demonstrated instance of a third party wondering if the claim was true is a perfectly colorable defamation claim.



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So that about wraps up this complaint and... wait, what’s this?

16. Although the anonymous internet posts centered on the false assertion that the Plaintiff was fired for sexual harassment and misconduct, the posts, digressed wildly into describing the purported personal opinions of the Plaintiff as to the correctness of judicial opinions published by the United States Supreme Court during the summer of 2022, his habit of dressing relatively formally in the workplace by wearing at least a two piece suit and a necktie every work

day, his stylistic choices in menswear with a particular fixation on his occasional wearing of button suspenders, his rumored enthusiasm to participate in class discussions at law school, his extracurricular activities at law school, his general political views, his invitations as a formal escort in the debutante ball circuit of New York City, his acceptance into exclusive social circles and private social clubs in Manhattan, and baseless speculation about his family life and circumstances.

Oh no. Oh... honey, no.

It's increasingly hip to draft complaints like briefs, throwing in all the persuasive flourishes that used to sit in reserve while the initial pleading remained a dry and perfunctory recitation of allegations. But that trend relies on the premise that laying out all the gory details might shame the defendant into a quick settlement.

This is where discretion is the better part of valor and you rest on the “false sexual misconduct” defamation claims and leave the “they mocked my button suspenders” claims out of it.

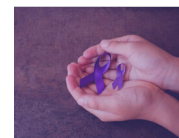
18. The focus of the anonymous internet posts on the personal opinions about the law and political views alleged to be held by Plaintiff also indicate an ideological or political motive for the attempt at character assassination, specifically revolving around the opinion of the United States Supreme Court in *Dobbs v. Jackson Women's Health Organization* which Plaintiff was alleged to have celebrated.

It says a lot about the state of this Supreme Court that conservatives feel that being tied to a majority opinion constitutes defamation.

19. Although Plaintiff believed that *Dobbs v. Jackson Women's Health Organization* was correctly decided, he did not celebrate it on or after June 24, 2022 in the workplace, as was incorrectly alleged and emphasized in the anonymous internet posts, for multiple reasons. Plaintiff already believed in the veracity of credible rumors he personally received in early February, 2022 that the opinion would turn out as it eventually did, and the widely reported leak of May 2, 2022 greatly supported that conclusion.

He knew back in February? Was Alito talking to him too?

It was also at this time that upon his reflection on the effective removal during the day prior of Paul Clement and Erin Murphy from the firm, the two partners who had successfully litigated the Bruen case, who



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were personally known to Plaintiff alongside some of the partners that orchestrated their effective removal, upon information and belief, in breach of contract and assurances made to Clement and Murphy upon their joining the firm that they would be free to litigate cases at the Supreme Court of the United States on a side that some may find controversial (presumably due to the necessity of having at least two sides to every case or controversy in the adversarial system, it would be almost impossible to litigate any matter without someone finding the position of one side controversial, if this principle were uniformly applied which Plaintiff does not believe that it was or is), Plaintiff decided that he would not want to continue his association with the firm after graduating law school.

Yes, [Paul Clement is a crybaby who doesn't understand how the market works](#). But how does this have anything to do with the claim that some internet trolls spread false sexual harassment claims?

FOCUS!

... Plaintiff suffered particular harm to his valued relationship with Professor Richard A. Epstein, of New York University and the University of Chicago... Plaintiff had first encountered the lectures and works of Professor Epstein in the field of law and economics on or about May, 2009 due to his childhood interest in economics. These lectures and works encouraged in Plaintiff an interest in law generally, the American system of government, Roman law and the common law of the 18th to late 19th centuries. It was at this time that Plaintiff set the personal goal of gaining admission to the University of Chicago Law School where Professor Epstein was tenured at the time. From that time until the present, Plaintiff has revered Professor Epstein above all other living academics or intellectuals due to his brilliant mind, extraordinary intellectual breadth, consistent commitment to first principles, comprehensive legal theory and kindness.

Or don't.

At this juncture, we enter a lengthy diversion into Richard Epstein worship, the "brilliant mind [with] extraordinary intellectual breadth" who [publicly declared that only 500 Americans would die of COVID](#) and then kept doubling down on being wrong.

There's seven pages of this! Seven pages charting how his relationship with the professor went from being a prized pupil to being cast out — which the plaintiff blames on a false Title IX complaint. By the time the complaint notes that "Plaintiff then told Professor Epstein that even if he will teach for many years to come he will not have another student like the

Plaintiff, that because of his moral failure he does not deserve to have Plaintiff as a student,” the reader is left wondering if this is a pleading or an expensive, publicly filed pity party.

From a legal perspective, nothing would be lost if those seven pages became the single paragraph: “Richard Epstein had been helping me with fellowships and clerking opportunities and I professionally suffered when he stopped abruptly on account of the false allegation.”

Seriously, you had me at paragraph 15. This is why legal writers can’t go off on distracting tangents. It makes the pleading look like the actually coherent legal claim is of less interest to the plaintiff than tossing in personal insults about Ted Kennedy.

Which he also does in paragraph 46.

Again, if it’s true that folks invented and spread a sexual misconduct claim — going so far as to create false documents to support that fiction — and spread that story, then he’s got a defamation case. If all the rest of this is true... he’s going to Streisand Effect himself into a whole lot more non-defamatory online scorn.



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Case 1:23-cv-06709-LTS Document 1 Filed 07/28/23 Page 1 of 17

In the United States District Court, of the Southern District of New York.

Gideon Rapaport, Plaintiff,
v.
John Doe #1, a Reddit.com user, John Doe #2, A Top-Law-Schools.com user, John Doe #3 a current or former NYU Law student, Individually, Defendants.

No. 23-cv-_____
July 28, 2023.

Gideon Rapaport, pro se,
45 River Drive S #2308, Jersey City NJ, 07310
GideonRapaportLaw@outlook.com
(862) 213-0895

Complaint and Jury Demand

Plaintiff Gideon Rapaport ("Plaintiff"), pro se, complains and states as follows as to all matters:

THE PARTIES

1. Plaintiff is a former employee of Kirkland & Ellis LLP and a graduate of the New York University School of Law. He is a nonresident alien lawfully admitted to the United States.

2. Defendant Does 1 through 3, upon information and belief, are former or current employees of Kirkland & Ellis LLP.

JURISDICTION AND VENUE

3. This Court has original jurisdiction over this action pursuant to 28 U.S. Code § 1332 because the parties are a nonresident alien and United States domiciliaries, and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

4. This Court has personal jurisdiction over Does 1 through 3 because they are domiciled in the State of New York, or alternatively have transacted in business within the State of New York within the meaning of NY CPLR § 302(1) during the course of their employment in the state, have committed non-defamatory tortious acts within the meaning of NY CPLR § 302(2) and (3), and have appointed an agent for service of process as required by N.Y. Comp. Codes R. & Regs. Tit. 22 § 520.13.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this district.

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Joe Patrice is a senior editor at Above the Law and co-host of *Thinking Like A Lawyer*. Feel free to [email](#) any tips, questions, or comments. Follow him on [Twitter](#) if you're interested in law, politics, and a healthy dose of college sports news. Joe also serves as a [Managing Director at RPN Executive Search](#).

TOPICS

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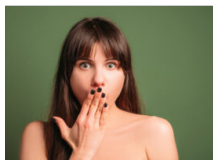
He took two family member employees with him upon his exit from the firm.

By STACI ZARETSKY

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